

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT L. WILLMORTH,
Plaintiff,

v.

CAROLINE W. COLVIN, Acting
Commissioner of Social Security,
Defendant.

Case No. 13-5766 BHS-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF# 24). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings.

This court recommends that on remand The administrative law judge (ALJ) shall evaluate Plaintiff's medically determinable mental impairments at steps 2 and 3 of the sequential evaluation process; specifically address whether Plaintiff meets or equals Listing 12.05; if necessary, obtain evidence from a medical expert; reassess Plaintiff's s maximum residual functional capacity, with specific reference to the opinion evidence of record in support of the assessed limitations, and to clearly articulate the weight accorded such evidence; reevaluate the third-party statements pursuant to 20 C.F.R. §§ 404.1513(d), 416.913(d), and Social Security Ruling 06-03p; reevaluate Plaintiff's subjective complaints pursuant to 20 C.F.R. §§ 404.1529,

1 416.929, and Social Security Ruling 96-7p; and, as warranted, obtain supplemental evidence
2 from a vocational expert.

3 The parties stipulate that this remand be made pursuant to sentence four of 42 U.S.C. §
4 405(g).

5 Given the fact of the parties' stipulation, the Court recommends that the District Judge
6 immediately approve this Report and Recommendation and order the case **REVERSED** and
7 **REMANDED**. A proposed order accompanies this Report and Recommendation.
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9 DATED this 22nd day of July, 2014.

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12 Karen L. Strombom
13 United States Magistrate Judge
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